

**Date Posted: June 14, 2013**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**June 18, 2013**

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,  
RI 02914**

**7:00PM Executive Session - Claims Room, 101**

**7:30 P.M. Open Session**

## **I. EXECUTIVE SESSION**

**The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)**

### **A. New Claims**

- 1. Amica Mutual Ins. Company (Insured Raymond Cabral)**
- 2. Valerie Cabral**
- 3. Paul Dusault**
- 4. Marianka Ilic**

## **II. CALL TO ORDER**

## **III. SALUTE TO THE FLAG**

#### **IV. TO APPROVE THE CONSENT CALENDAR**

**All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.**

##### **A. Letters Received**

- 1. Resolution Middletown Town Council regarding safe and reliable roads and bridges.**
- 2. Coastal Resources Management Council June 2013 Calendar.**
- 3. Coastal Resources Management Council Administrative Procedures Act potential amendment re: Commercial and Recreational Fisheries (Section 560 Policies and Standards).**
- 4. Coastal Resources Management Council Administrative Procedures Act potential amendment to Access to Public Records.**
- 5. Resolution Hopkinton Town Council Opposing SB 0322 Legislation Relating to Taxation - Levy and Assessment of Local Taxes.**

##### **B. Cancellation/Abatements - Board of Review**

<b>Year</b>	<b>Amount</b>
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<b>2012</b>	<b>\$125,219.27</b>
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<b>Total</b>	<b>\$125,219.27</b>
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### **C. Cancellation/Abatements**

**Year    Amount**

**2012    \$3,498.38**

**2013    \$50,578.43**

**Total    \$54,076.81**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

### **V. PUBLIC COMMENT**

#### **VI. LICENSES NOT REQUIRING PUBLIC HEARING**

**Licenses are granted subject to all required approvals from State and City departments.**

##### **A. Laundry/Drycleaners**

**Joaquin T. Barrenechea DBA Corners Cleaners& Tailoring, 283 Taunton Avenue (02914), Joaquin T. Barrenechea, 20 Greenville Avenue, Johnston (02919)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

##### **B. Hawker (2 Locations)**

**Jamin M. McLaughlin DBA TNT Fireworks, Jamin M. McLaughlin, 71 Bamford Avenue, Oakville, CT 06779.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **VII. PUBLIC HEARING - SHOW CAUSE HEARINGS**

**(Council sitting as Licensing Commissioners)**

**A. Lane Foods Company, LLC DBA Gregg's Restaurant, 214 Main Street, East Greenwich, RI 02818, location: 1940 Pawtucket Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**B. East Providence House of Pizza, LLC, 187 Willett Avenue (02915)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**C. Warren Avenue Liquor Market, Inc., 208 Warren Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **VIII. PUBLIC HEARING**

### **A. CDBG 2013-2014**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **IX. NEW BUSINESS**

### **A.City Managers Report (by City Manager Peter Graczykowski)**

- 1. Department Activity Report**
- 2. EPBC Personnel Activity Report**
- 3. Request to Award Bid for ALS Emergency Medical Vehicle**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden**

### **4. Request to Approve the Computer Hardware Purchase**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden**

### **B.Reports of Other City Officials**

### **1. Claims Committee Report (by City Solicitor Timothy Chapman)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**2. 1 Dexter Road Update (by City Solicitor Timothy Chapman)**

**C. Council Members**

**1. 1 Dexter Road (by Mayor Briden)**

**2. Properties on Harding Avenue known as, Map 313, Block 8, Parcels 15 & 16 re: action taken at the 6/4/13 Council meeting (by Assistant Mayor Rose)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden**

**3. School District Needs (by Councilwoman Rossi)**

**4. Scheduling a Joint Meeting of City Council and School Committee (by Councilwoman Rossi)**

**5. Pumpkin Growing Contest (by Councilwoman Rossi)**

**6. Welcoming Business to East Providence (by Councilwoman Capobianco)**

**D. Resolutions**

**1. (Amendment to Resolution No. 15 - Adopted January 18, 2011)**

**RULES OF PROCEDURE OF THE CITY COUNCIL**

**BE IT RESOLVED, that the following Rules be and they are hereby adopted as the Rules of the City Council of the City of East Providence.**

**Rule One. Duties of the Presiding Officer**

**a. The Mayor shall be the presiding officer at all meetings of the City Council. The Assistant Mayor shall preside in the absence of the**

**Mayor.**

**b. The presiding officer shall preserve order and decorum at all meetings of the City Council. In the interest of preserving order and decorum, the presiding officer may in his/her discretion limit the remarks of a citizen or his/her attorney to a period of not more than five (5) minutes on any matter, and may also limit the remarks by the public to a period of not more than one (1) hour on any matter.**

**c. The presiding officer may speak in preference to any other member of the City Council and shall, subject to the restrictions imposed by subsection (d) of Rule One, decide all questions of order.**

**d. Any member of the City Council may appeal from the ruling of the presiding officer or the parliamentarian by moving that the presiding officer's ruling or ruling of the parliamentarian be referred to the members of the City Council who are present. In the event that such motion is seconded, the presiding officer shall immediately, without debate, put the following motion before the body for consideration: "Shall the rule of the chair be sustained?" which question shall be decided by a majority vote of the members present.**

**e. The presiding officer shall propound all questions and motions in the order in which they are moved, unless the subsequent motion is previous in nature, as set forth in Rule Five, Section (e).**

## **Rule Two. Order of Business**

**a. A majority of all of the members of the City Council shall constitute a quorum for the conducting of business. A smaller number than a majority may adjourn from time to time until a quorum shall be present. Notice to be given in accordance with the provisions of the**

## **City Charter in Article II, Section 8.**

**b. The order of business of each City Council meeting shall be as follows:**

**I. Call to order**

**II. Invocation**

**III. Salute to the flag**

**IV. Consent Calendar**

**V. Proclamations & Presentations**

**VI. Public Comment.** All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. Said comments should pertain to topics listed on the published Council docket. Said public comment sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty-five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting.

**VII. Appointments.** All Council appointments will appear on the docket under the heading Appointments listing the appointment being made, the name and address of the candidate, and the Council member nominating the candidate. City Council members will submit the information to the City Clerk no later than Thursday preceding the Council meeting.

**VIII. Licenses (Requiring Public Hearing and Non-Public Hearings)**

**IX. Public Hearings**

## **X. Continued Business**

## **XI. New Business**

### **a. City Manager's Report**

### **b. Reports of Other City Officials**

### **c. Council Members**

### **d. Report of School Committee Liaison**

**e. Resolutions.** All resolutions will appear on the docket with the name of the Resolution's sponsor after having been referred to the Law Department for review.

**f. Introduction of Ordinances.** All ordinances shall appear on the docket after having been referred to the Law Department for review.

**g. Communications.** Any person who submits a communication to the Council and wishes to speak on it must indicate this in writing no later than 4:00 p.m. the Thursday prior to the next regularly scheduled Council meeting. A person who lists more than one topic on their communication will be allowed to speak on the first one listed.

**c.** At any special meeting called of the City Council, the meeting shall be restricted to the business of the special meeting and no other business shall be considered without the unanimous approval of the City Council.

**d.** Council members shall submit items for discussion purposes no later than 4:00 p.m. the Thursday prior to the next regularly scheduled Council meeting. The docket for all regular meetings shall be prepared and delivered and/or electronically forwarded to the residence of each Council member at least 72 hours prior to said meeting. Any petition requiring a hearing shall be referred to the

proper City department for a written report prior to being placed on the docket for discussion or hearing. Copies of all said petitions shall immediately be forwarded to the City Council. No matter may be considered at any meeting that is not specifically on the docket (including votes) without the unanimous consent of the City Council. No petition for rezoning may be withdrawn at any meeting to which it has been assigned for hearing unless such petition is withdrawn at least 72 hours prior to such meeting. The docket will contain a plain language explanation for all ordinances.

### **Rule Three. Decorum and Debate**

a. When a motion is under debate, the chair shall receive no other motions except as set forth in Rule Five, Section (f).

b. Any member desiring to speak shall address the presiding officer and, after his right to speak has been recognized, he shall not be interrupted while speaking except by a call to order or for the correction of a mistake or to yield to another member. He shall confine his remarks to the question under debate and shall avoid personalities. No member shall speak more than once on the same question until all other members desiring to speak thereon shall have done so, and in no event shall any member speak more than twice on any question without the permission of the majority of the members of the City Council. There shall be no conversation among the members while a roll call is being taken, while any paper is being read, or while a question is being stated by the presiding officer.

c. A roll call vote shall be taken as required by the Charter of the City of East Providence, the ordinances of the City, or at the request of

**any Council member.**

**d. After a roll call vote has been ordered, said roll call shall not be interrupted, delayed or stopped by the presiding officer or any member of the Council for any reason whatsoever including points of order, personal privileges or for a member to explain his vote. All roll calls shall be taken alphabetically except for the presiding officer who shall vote last.**

**e. A motion shall be carried by the affirmative vote of a majority of the Council members voting on the motion and the presiding officer shall declare the passage or defeat of any motion. In the case of a tie, the motion shall be defeated.**

**f. When a vote has been passed, it shall be in order for any members voting with the majority to move or second the reconsideration thereof not later than the next regular meeting and, when a motion to reconsider has been decided, that vote shall not be reconsidered.**

#### **Rule Four. Consent Docket**

**a. When the City Manager determines that any item of business requires action by the Council but is of a routine and non-controversial nature, (s)he may cause such item to be presented at a regular meeting of the Council as part of the Consent Calendar.**

**b. The Consent Calendar shall be introduced by a motion “to approve the Consent Calendar” and shall be considered by the Council as a single item.**

**c. There shall be no debate or discussion by any member of the Council regarding any item on the Consent Calendar beyond asking questions for simple clarification.**

**d. All items on the Consent Calendar which require public hearings shall be open for hearing simultaneously and the Mayor shall announce or direct the City Clerk to announce the titles of all such items.**

**e. On objection by any member of the Council to inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Calendar. All such items shall be considered individually in the order in which they were objected to immediately following consideration of the Consent Calendar.**

**f. Approval of the motion to approve the Consent Calendar shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon exactly as if each has been acted upon individually.**

#### **Rule Five. Miscellaneous Provisions**

**a. The City Clerk shall prepare a docket of the business to be conducted at each meeting of the City Council which shall be delivered and/or electronically forwarded to each council member's residence not less than 72 hours before the meeting of the City Council. No ordinance, resolution, petition, order or matter of business shall be considered unless notice of the same shall have been given previously in accordance with these rules. Any additional public hearings concerning a zone change and/or subdivision will require the written consent of a majority of the City Council.**

**b. Any reports or communications from any department head, City**

**Manager or otherwise, shall be in writing and copy supplied to each Council member with the docket.**

**c. Regular meetings of the City Council shall be held on the first and third Tuesday of each month at 7:30 p.m. in the City Council chamber in City Hall or at such other place as may be designated by a majority of the Council except in the months of July and August when there shall be only one meeting per month on the Tuesday designated by a majority of the City Council. Amended December 1, 1988 (See Council Journal). Amended November 13, 1989 (See Council Journal).**

**d. All meetings of the City Council shall be open to the public and all votes shall be cast in public.**

**e. A special meeting of the City Council may be called in accordance with the provisions of Article II, Section 7 of the City Charter at the request of the Mayor or upon written request of three (3) members of the City Council, said request addressed to the City Clerk. No business shall be considered at said special meeting other than that as set forth in the call of the meeting without the unanimous consent of the City Council.**

**f. The order of precedence of motions shall be as follows:**

- 1. Fix the time in which to adjourn**
- 2. Adjourn**
- 3. Recess**
- 4. Raise a question of privilege**
- 5. Lay on the table**
- 6. Suspension of the rules**
- 7. Previous question**

- 8. Limit debate**
- 9. Postpone to a certain time**
- 10. Refer to committee or other official**
- 11. Amend**
- 12. Postpone indefinitely**
- 13. Main motion**

**The above list shall be the order in which motions may be considered. When any motion is pending before the City Council, any motion before that said motion on this list shall take precedence and be acted upon first and those following shall be out of order.**

**g. The following motions shall not be debatable:**

- 1. Adjourn**
- 2. Recess**
- 3. Raise question of privilege**
- 4. Lay on the table**
- 5. Suspension of the rules**
- 6. Previous question**
- 7. Limit debate**

**h. These rules shall not be altered, amended, suspended or repealed at any time except by an affirmative vote of four-fifths (4/5) of the entire City Council unless docketed 72 hours prior to meeting.**

**i. Roberts Rules of Parliamentary Procedure shall prevail in the absence of any specific rule as set forth herein.**

**j. The City Solicitor is designated as parliamentarian for the purpose of interpreting these rules of procedure.**

**k. In the event that any section of these rules shall be in conflict with**

the City Charter or ordinances of the City of East Providence, then such rule shall fail, however, those rules which are not in conflict shall remain in full force and effect.

l. Any member of the public who requests to speak on any docket item that is not part of the Public Hearing section or specifically on the docket will be allowed to speak if approved by unanimous consent of the Council.

m. The City Council shall adjourn no later than 10:00 p.m. The Council shall vote each time in order to extend the meeting in 15 minute increments. Said time increment extensions shall require a super majority vote. Any business before the City Council not completed by 10:00 p.m. will be tabled to the next available meeting. The date shall be announced and determined by the Council President. Waiver of this rule requires a super majority vote.

Requested by: Councilwoman Capobianco

Motion\_\_\_By\_\_\_2nd\_\_\_

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

## **2. RESOLUTION IN OPPOSITION TO SENATE BILL 2013–S0322 SUBSTITUTE A AND HOUSE BILL 2013–H5394**

**WHEREAS, it is standard practice in Rhode Island and our neighboring states to assess partially completed structures on a percentage of completion basis; and**

**WHEREAS, it is estimated that exempting single family development homes and condos from taxation until a development property is sold would result in lost property tax revenue in East Providence estimated at \$1,665,200 annually beginning in FY 2014; and**

**WHEREAS, this special exemption would result in conflicting tax treatment for other new or rehabilitated structures; and**

**WHEREAS, the end result would be that existing taxpayers would subsidize developers of new homes.**

**NOW, THEREFORE, BE IT RESOLVED the City Council of the City of East Providence does hereby oppose Senate Bill 2013-S0322 Substitute A and House Bill 2013-H5394.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of East Providence hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence.**

**Requested by: City Manager**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **F. Communications**

- 1. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to**

address the Council regarding Equipment Consolidation.

2. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding School Construction Updates.

3. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding sign change update from Meadowcrest to Oldham.

4. Christopher L. Smith, 228 Taunton Avenue (02914) requesting to address the Council regarding parking issue on Taunton Avenue between John Street and Six Corners.

5. Leeann Dias, 57 Tryon Avenue (02916) requesting to address the Council regarding a block party for Saturday July 20, 2013, blocking Tryon Avenue at the corner of Gibbs Street and the corner of Merchant Street and that Estelle Street be blocked at Ferris Avenue. This is the 13th Annual Event and there have been no problems during the previous 12 years.

Motion\_\_\_By\_\_\_2nd\_\_\_

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

## **X. ADJOURNMENT**

Motion\_\_\_By\_\_\_2nd\_\_\_

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

**\* Any items listed on the Council Docket may be subject to a vote.**

**\*If communications assistance is needed or any other**

**accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**